

# EXHIBIT 5

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U.S. NEWS

## Surgeon in Probe Is Working in Detroit-Area Hospitals

*Aria Sabit is a senior staff member at one Michigan hospital and has privileges at several others.*

By JOHN CARREYROU

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Aria Sabit is currently a senior staff member at one Michigan hospital and has operating privileges at several others.

He is medical director of neurosurgery to the trauma program at McLaren Lapeer Region, according to that hospital, which is located in Lapeer, Mich., and is part of the 10-hospital McLaren Health Care system.



Dr. Aria Sabit, a spinal surgeon, testifying in a deposition last year. *Glickman & Glickman*

### Earlier

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Dr. Sabit also has operating privileges at Detroit Medical Center, an eight-hospital system in Detroit, and Doctors' Hospital of Michigan in Pontiac, Mich., both institutions confirmed.

Dr. Sabit continued to use spinal implants from Apex Medical Technologies, the distributorship he had an ownership interest in, on patients at McLaren Lapeer until June 2012, according to a person familiar with the matter. McLaren Lapeer received a letter from the Department of Justice last month asking that it retain all documents related to Dr. Sabit's use of Apex implants, this person added.

In depositions for malpractice cases filed against him in Ventura, Calif., Dr. Sabit has alternately denied receiving any monetary benefit from Apex implants or said he didn't know whether he did.

A Detroit Medical Center spokeswoman says it wasn't aware that Dr. Sabit owned part of a spinal-implant distributorship. "We are currently looking into this," she said.

The spokeswoman, Andrea Taylor, said that Detroit Medical Center wasn't aware of any problems during Dr. Sabit's tenure in Ventura when it recruited him to its surgical staff in 2011, but that it subsequently learned of the Ventura malpractice suits as they were filed. In court filings

in Ventura Superior Court, Dr. Sabit has denied the malpractice allegations.

"We reviewed each of these cases as they became known and reviewed each case he had performed at the DMC prior to our becoming aware of the California cases. Each of the cases at the DMC was well performed with expected outcomes. During his time at the DMC we are not aware of any complaints or lawsuits related to his provision of care," Ms. Taylor said.

After his move to Michigan, Dr. Sabit also became embroiled in another legal matter: Last year, he was named as a defendant in a civil racketeering lawsuit brought by auto insurer Allstate Corp. in federal court against a group of physicians and medical facilities. In the suit, Allstate alleged that Dr. Sabit and the other doctors performed unnecessary procedures on car-accident victims and billed excessively for them. In a deposition for the Ventura malpractice litigation, Dr. Sabit said he settled the Allstate case. His lawyers didn't respond to requests for comment about it.

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